REMARKS/ARGUMENTS

Claims 22 – 30 and 33 - 45 are currently pending in this application. Claims 22 and 43 have been amended. Claims 44 and 45 are new. Claims 31 and 32 have been cancelled without prejudice to maintain the number of claims within the previously amount paid for. Reconsideration of the rejection of this application in view of the above amendments and the following remarks is respectfully requested.

Claims Rejections - 35 USC § 112

Claim 43 was rejected under 35 USC § 112, second paragraph, as being indefinite. The Examiner indicated that there is insufficient antecedent basis for the term "said platform" in line 3 of claim 43. This term has now been changed to "said carriage" which has proper antecedent basis. In view of this amendment, claim 43 is now in compliance with 35 USC § 112, second paragraph.

Claims Rejections - 35 USC § 102

Claims 22, 28, 29 and 43 are rejected under 35 USC § 102(b) as being anticipated by Anderson U.S. Patent No. 1228162.

Claim 22, the only independent claim in the application, has been amended. The claim now sets forth a lifting device which comprises a central column generally vertical when the lifting device is in an operating position.

The column includes two rear channels extending the length of the column and which have a passageway open to the front of the column and two forwardly open channels extending the length of the column. A carriage positioned to the front of the column is generally horizontal when the lifting device is in an operating position. A pair of spaced forks is provided at one end of the carriage, having one end connected to the carriage and the other end operatively connected to the column. At least one rear bearing is provided adjacent the other end of the forks, the rear bearing of one of the forks rides in one of the rear channels with its associated fork extending through the associated passageway and the rear bearing of the other of the forks rides in the other of the rear channels with its associated fork extending through the associated passageway. A fork bearing is provided on each fork positioned downwardly and forwardly from the rear bearing. The fork bearing of one of said forks rides in one of the forwardly open channels and the fork bearing of the other of said forks rides in the other of said forwardly open channels.

Thus, as claimed, the lifting device includes a central column on which a carriage is operatively mounted for up and down movement. The carriage is connected to the column by means of rear bearings on spaced forks positioned in channels in the columns with the forks extending through passageways open to the front of the column. Fork bearings on the spaced forks ride along open channels in the column. With this arrangement, the rear

bearings are contained while the fork bearings merely ride in the forwardly open channels such that carriage can be pivoted around the axis of the rear bearings.

The arrangement of the carriage and supporting structure of the Anderson device is completely different from that claimed. In the Anderson device, there are spaced uprights 13 and 14 in the form of a "T". There is no central column. The carriage of Anderson is provided with two set of rollers which have a groove. The groove of one roller of each set rides along the front edge of the "T" and the groove of the other roller rides along a back edge of the "T". The rear rollers of the Anderson device are not contained in a channel as claimed, and there are no passageways extending forwardly from a rear channel. In fact, the Anderson device does not disclose any channels for the bearings as set forth in the claims.

In order for a reference to provide a basis for anticipating a claim, the reference must disclose each and every element of the claim. *Verdegaal Bros., Inc. v. Union Oil Co.*, 2 USPQ2d 1051, 1053 (Fed. Cir.1987). As discussed above, Anderson does not disclose or suggest all the limitations of claim 22 and, accordingly, claim 22 is not anticipated and is patentable over the Kim reference.

Claims 28 and 29 depend directly or indirectly upon claim 22 which, as discussed above, is patentable over the Anderson reference. Accordingly,

claims 28 and 29 are patentable for the reasons set forth in connection with claim 22.

Claim Rejections-35 U.S.C. §103

Claims 23, 26 and 38 were rejected under 35 U.S.C. §103 as being unpatentable over Anderson in view of Kim, U.S. Publication No. 2001/0038786. Claim 23 sets forth that the lifting device includes a slide having two ears and that the column has two flanges. The ears on the slide engage the flange to support the slide for movement along the column. The claim also sets forth that the lead screw engages the slide to move the slide along the column upon rotation of the lead screw. The slide is operatively connected to the forks to move the forks along said column as the lead screw is rotated.

In the Anderson patent, the cross piece 24 is considered by the Examiner to be the equivalent of the claimed slide. However, the cross piece does not have two ears which engage flanges on a column. The cross piece 24 is simply attached to the rearwardly extending bars 23.

In the Kim reference, what the Examiner considers to be a slide is merely the top of the lifting platform 20. There is no slide member in the Kim device which rides along a column and which is connected the platform or carriage as claimed. Also, the lead screw of Kim is connected to the platform through mounting unit 30, not through member 20. Therefore, even if the Kim reference could be combined with Anderson, the combination would not result in the

claimed subject matter since neither of the references teach or suggest a slide having ears in engagement with flanges on a column and to which the lead screw is operatively connected. Accordingly, claim 23 is patentable for this reason, as well as for reasons set forth in connection with claim 22.

Claim 26, which is dependent upon claim 23, sets forth that the lead screw is disposed within the column. The Examiner mentions that in Anderson, the lead screw 37 is disposed within a column 13, 14. Actually, the lead screw is disposed between the two members, 13 and 14 and not within a column as set forth in the claim. Accordingly, claim 26 is patentable for this reason as well as the reasons set forth in connection with claim 23.

Claim 38 is indirectly dependent upon claim 22 and is patentable for the reasons set forth with respect to that claim. Kim does not contain any teaching or disclosure that would overcome the deficiencies of the Anderson reference as discussed above.

Claims 24, 25 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al in view of Kim further in view of Tsai, U.S. Patent No. 6425599.

Claim 24 set forth that the device can be folded with the column and carriage generally parallel so that the device can be transported or stored. Regarding claim 24, the Examiner admits that Anderson is silent as to whether it can be folded. The Examiner refers to the Tsai patent for its showing of a device wherein a column 21 and carriage 50 may be folded together. However, it is

noted that the Tsai device does not utilize a carriage which is attached to a column and moves up and down with respect thereto. Thus, the Tsai presents no teaching for making a carriage that is moveable along a column collapsible. Therefore, the combination of Anderson, Kim and Tsai does not render obvious the claimed subject matter of claim 24. In addition, the Tsai reference does not contain any teachings or disclosure that would overcome the deficiencies of the Anderson patent as set forth above in connection with claim 22. Therefore, claim 24, that is dependent upon claim 22, is patentable for reasons set forth above in connection with claim 22.

Claim 25, which is dependent upon claim 24, adds the feature of a brake mechanism that can be activated when the device is folded. The Examiner refers to the Kim patent for teaching of a brake mechanism. However, in the Kim patent, paragraph [0034] refers to the braking of the carriage as it moves down. There is no teaching or suggestion in any of the references, Anderson, Kim or Tsai of providing a brake mechanism that can be activated when the device is folded. Accordingly claim 25 is patentable over any combination of these references, as well as for the reasons set forth in connection with claim 22.

Claim 30 depends upon claim 24 and is patentable for the reasons set forth in connection with that claim.

Claims 27, 35, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kim and further in view of Rhodes U.S. Patent 3907138. Claims 27, 35 and 36 are all dependent, either directly or

indirectly, upon claim 22. The Rhodes patent does not contain any disclosure that would overcome the basic deficiencies of the Anderson patent. The Rhodes patent discloses a hand truck in which the carriage or platform 35 is used to support a load while the frame, along with the wheels, is raised relative to the platform. This is a different operation that that of the structure set forth in the claims in which the carriage that supports the load is raised relative to the column. In Rhodes there are no forks having bearings mounted in channels in columns as set forth in the claim. Accordingly, Rhodes does not provide any teachings or suggestions which can be combined with Anderson, and/or Kim, to render the subject matter if claim 27, 35, and 35 obvious.

Claims 31 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kim and further in view of Rountree, U.S. Patent 6561745. These claims have canceled without prejudice to reduce the number of claims in the application. Further discussion of this rejection is therefore not necessary.

Claim 33, which is dependent upon claim 22, was rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kim further in view Hsieh et al, U.S. Patent 5951037. The Hsieh et al patent was cited by the Examiner for its showing of a platform 50 which can be selectively manually lengthened or shortened. However, it is noted that the platform cannot be raised or lowered. This reference does not contain any teaching or suggestion which would overcome the deficiencies of the Kim and Anderson patents as discussed

above in connection with claims 22 and 23. Therefore, claim 33 is patentable over any possible combination of the Anderson, Kim and Hsieh patents.

Claim 34 was rejected under 35 U.S.C. 103 as being unpatentable over Anderson, in view of Kim, further in view of Hanson, U. S. Patent No. 2778515. The Hanson patent was cited for showing of an upper ball foot disposed at an upper end of a column that engages a surface on which the device is placed when the column is horizontal. It is submitted first that the Hanson patent merely shows a handle portion resting on the floor rather than a ball foot as set forth in claim 34. Additionally, the Hanson patent does not contain any disclosure which would overcome deficiencies of the Anderson and Kim patents as discussed above. The platform of 21 of the Hanson device is fixed to the column and is not adapted to be raised or lowered by means of forks having bearings riding in a column. It is submitted that the Hanson patent contains no disclosure which could be combined with the Anderson and Kim disclosures that would result in a structure that would render obviousness the subject matter of 34.

Claim 37 was rejected as being unpatentable over Anderson in view of Kim further in view of Lemme et al, U.S. Patent No. 4579504. The Lemme patent was cited for its showing of a crane structure extending from a column 14. The Lemme patent discloses a crane that is used with a lifting device such as a forklift. In this case of the Lemme device, the forklift or platform is raised or lowered by means of a chain. There is no specific showing in the Lemme patent as to how the forklift is attached to the mast 14 for movement relative thereto.

Accordingly, this patent contains no disclosure that would serve to overcome the basic deficiencies of the Anderson and Kim references as set forth above in connection with claims 22 and 23. Therefore, even if the Anderson, Kim and Lemme disclosures could be combined, such combination would not render obvious the subject matter of claim 37.

Claims 39 and 40 are rejected as being unpatentable over Anderson in view of Kim, further in view of Johansson, U.S. Patent 5951234. The Johansson patent was cited for its showing of a vertical circular wheel disposed on a horizontal shaft at the free end of a chassis. The Johansson patent does not disclose a carriage that is attached to a column by means of spaced forks having bearings that ride in channels in the column. Certainly, the Johansson patent has no disclosure that can be combined with the Anderson and/or Kim patent to overcome the basic deficiencies of these patents as set forth in connection with claims 22 and 23 above. Accordingly, claims 39 and 40, which are directly or indirectly dependent on claim 22, are patentable for the reasons set forth in connection with claim 22.

Claims 41 and 42 were rejected under 35 U.S.C. as being unpatentable over Anderson in view of Kim further in view of Johnson et al U.S. Patent 4449558. Johnson is cited for his teaching of wheels that have a relatively soft circular removable covering to facilitate movement over relatively soft terrain. The Johnson patent is related to a toy vehicle wheel. There is no disclosure in that patent that would overcome the basic deficiencies of the Anderson and Kim

patents as discussed above in connection with claims 22 and 23. Accordingly, even assuming that one would combine the disclosure of the Johnson with the Anderson and Kim disclosures, the resulting combination would not render obvious the subject matter of claim 41 which is indirectly dependent upon claim 22.

New claim 44, dependent upon claim 23, sets forth that the lifting device further includes a rod extending between the spaced forks and that the slide has a forwardly opening channel therein with the rod being received in the channel. Neither the Anderson nor the Kim patent shows a slide that receives a rod extending between the forks. Therefore new claim 44 is patentable for this reason, as well as for the reasons set forth in connection with claim 23.

New claim 45, dependent upon claim 26, sets forth that the lead screw is disposed in a forwardly open lead screw channel in the column that is positioned between the channels in which the rear bearings are positioned. The claim also recites that the flanges extend sideways from either side of the lead screw channel and that the slide that has a rearwardly facing gear that extends into the lead screw channel into operative engagement with the lead screw. Neither the Anderson nor the Kim patent show a lead screw that is disposed in a forwardly open channel. Additionally, these two patents do not show a slide that has a rearward facing gear that extends into the lead screw channel. Accordingly, this claim is patentable over any possible combination of the Kim and Anderson patents.

CONCLUSION

In view of the above and remarks, it is respectively submitted that all the claims in this case patentably define over the cited art, taken alone or in any possible combination, and that this case is now in condition for allowance. Favorable consideration of this application by the Examiner is respectfully submitted.

Respectfully Submitted,

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